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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,472	06/04/2001	Neil T. Parkin	11068-037-999	9210
20583	7590	12/29/2004	EXAMINER	
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			FOLEY, SHANON A	
			ART UNIT	PAPER NUMBER
			1648	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.09/874472	FILING DATE 06/04/2001	FIRST NAMED INVENTOR / Parkin et al. PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. 11068-037-999
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EXAMINER

Shanon Foley

ART UNIT**PAPER**

1648

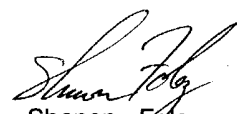
12234

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Commissioner for Patents

The reply filed on September 28, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant elected group II (d) without traverse. Group II (d) of the restriction requirement is drawn to a method using a resistance test vector with a mutation at codon 66. Applicant states that newly presented claims 130-192 fall within the scope of the elected invention. However, since the instant methods presented do not comprise a resistant test vector, or a vector that is presumably resistant to something, the newly presented claims do not fall within the scope of the elected invention and the election is considered non-responsive. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


Shanon Foley
Primary Examiner
Art Unit: 1648